REMARKS

Status of the Claims

Claims 25, 31-34 and 36 were rejected in the last Official Action. Claims 25 and 32 have been amended. New claims 37-40 have been added. Claims 1-12 were cancelled in the Preliminary Amendment. Claims 13-24, 26-40 and 35 are withdrawn. Claims 13-36 are presented for the Examiner's review and consideration. Applicants believe the claim amendments and accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Amendments to the Claims

No new matter has been added by the amendments to claim 25 made herein. This claim has been amended to delete the phrases objected to by the Examiner.

No new matter has been added by the amendments to claim 32 made herein. This claim has been amended to delete the phrases objected to by the Examiner.

No new matter has been added by the addition of claims 37 to 40. These claims apply subject matter of pending claims to the methods of claims 25 and 32 as amended herein.

Claim Rejections – 35 USC § 112

The Examiner has rejected claims 25, 31-34 and 36 as failing to comply with the written description requirements, as detailed in the Office Action, This objection has been obviated by the amendments to claims 25 and 32.

Claim Rejections – 35 USC § 102

The Examiner rejected claims 25, 31-34 and 36 under 35 USC 102(b) as being anticipated by Kennedy et al. The Examiner asserted in the Office Action that according to Kennedy et al. an infant formula comprising triacylglycerols with high sn-2 palmitate on the glycerol backbone and calcium, among other vitamins, was administered to term infants and showed an increase in calcium absorption and greater skeletal mineral deposition. The formula further comprised proteins, carbohydrates, and vitamins which are considered to be edible

additives, thereby meeting the requirements of claim 31.

Applicant respectfully traverses.

Kennedy et al. describe an experiment with term infants, during the first 12 weeks of their lives. The tested infants were fed with a formula that contained 50% of the total palmitic acid residues at the sn-2 position of the glycerol backbone (page 921, Trial Diets). The document is silent with regard to the composition of fatty acid moieties at the sn-1 and sn-3 positions, and does not describe fats with 50% of mono- or polyunsaturated fatty acids at positions sn-1 and sn-3. Therefore, Kennedy et al. does not anticipate the lipid ingredient used in the method of claim 25 and claims 31 to 34, and 36 to 40 dependent thereon.

Furthermore, the tested subjects in Kennedy et al. were, as mentioned, term infants in the first 12 weeks of their lives (page 921, Subjects and Trial Design). The presently claimed method is intended for children and adults and infants with respect to infant food other than infant formula. In addition, Kennedy et al. used only infant formula, and not any other food articles.

Also, for these reasons Kennedy et al. does not anticipate the method of claim 25 and its dependent claims.

As described in the specification (e.g. in [0020]), young children are advised to base their nutrition on human breast milk or its replacements … since these include in their ingredients a fat portion which mimics to some extent the fat composition of human breast milk. However, young children do not have access to such fat, either because they are not breast-fed or do not consume infant formulas, or they consume infant formulas without suitable human milk fat replacements, or even, above a certain age, because they supplement their nutrition with other foods, besides breast milk or infant formula. Moreover, many food products allegedly designed for the consumption by young children and adults as well, such as cereals, dairy products, and biscuits, are based on vegetable oils which have nothing in common with breast milk fat. Many foods, for example pastries, spreads, bars, chocolate, biscuits, cookies, cheese, ice creams, etc. require highly saturated fats, such as fats with high palmitic acid content, for their production. The fat base of the present invention as recited in claims 25 and claims dependent thereon, as well as blends comprising it, provide for better and healthier oils also for such foods.

Also for adults, the specification describes that dietary supplementation of all minerals

and particularly calcium is carried out using commercial products in which the mineral can appear in different salt forms, for example calcium is in the form of calcium carbonate, calcium alginate, calcium picolinate, calcium from corals, and many other forms. In many cases, this supplemented calcium is not absorbed by the body and is secreted, or it causes digestive problems, such as constipation, and therefore, although dietary supplementation of minerals is needed also for adults, especially women over the age of 45, in order to treat or prevent disorders or conditions caused by mineral depletion, it is not fulfilled in a satisfactory manner. (e.g. [0022] to [0024]).)

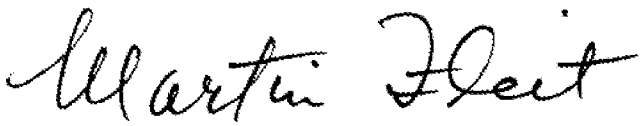
The use of a lipid ingredient as defined in claim 25 and its dependent claims to treat children and adults is not described in Kennedy et al.

Withdrawal of the objection is respectfully requested.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 7056-X08-022)

Respectfully submitted,



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